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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,
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9 Plaintiff,
10 v.
11 DAVID LAWRENCE GAUDINO,
12 Defendant.

Case No. CR11-102-RSL

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

13 **INTRODUCTION**

14 I conducted a hearing on alleged violations of supervised release in this case on November
15 18, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States
16 was represented by Kate Vaughn, and defendant was represented by Jay Stansell. Also present
17 was U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

18 **SENTENCE AND PRIOR ACTION**

19 Defendant was sentenced on June 17, 2011, by the Honorable Robert S. Lasnik for
20 Threatening a Federal Officer. He received a sentence of time served and three years of
21 supervised release. Mr. Gaudino's term of supervised release began on June 17, 2011, and it is
22 scheduled to expire on June 16, 2014.

23 **PRESENTLY ALLEGED VIOLATIONS**

In a petition dated September 23, 2011, U.S. Probation Officer Jennier Tien alleged that
PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE - 1

1 defendant violated the following conditions of supervised release:

- 2 1. Using marijuana since on or before September 1, 2011, in violation of standard
3 condition number 7.
- 4 2. Being arrested by Seattle Police Department and charged with Assault in the 4th
5 degree (domestic violence) on September 22, 2011, in violation of the general
6 condition that the defendant not commit any federal, state, or local crimes.

7 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

8 Defendant stipulated to the allegations contained in the U. S. Probation Petition and
9 Memorandum and waived any hearing as to whether they occurred. The Court found based on
10 the stipulation defendant committed the two alleged violations. Defendant was informed the
11 matter would be set for a disposition hearing on December 8, 2011 at 2:00 p.m. before District
12 Judge Robert S. Lasnik.

13 **RECOMMENDED FINDINGS AND CONCLUSIONS**

14 Based upon the foregoing, I recommend the court find that defendant has violated the
15 conditions of his supervised release as alleged above, and conduct a disposition hearing.

16 DATED this 18th day of November, 2011.

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BRIAN A. TSUCHIDA
20 United States Magistrate Judge
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